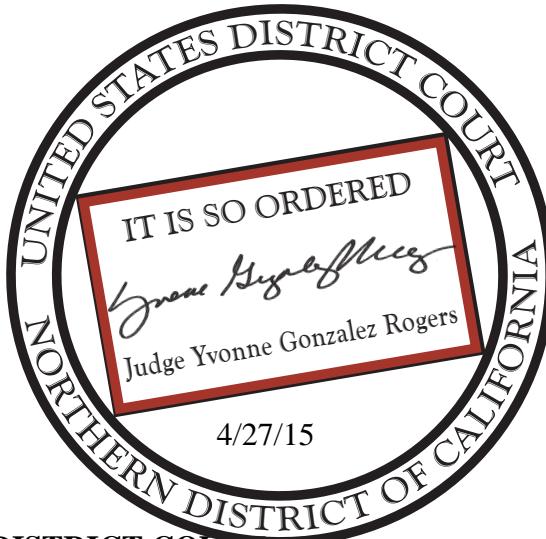


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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

NOBELBIZ. INC.

Plaintiff.

v

LIVEVOX, INC.

Defendant

CASE NO. 13-cv-01773-YGR

RELATED CASE:
13-cv-01846-YGR

**SUPPLEMENTAL STATEMENT
REGARDING CO-PENDING
LITIGATIONS AND
[PROPOSED] REVISED CASE
MANAGEMENT SCHEDULE**

First Action Filed: April 3, 2012
Action Transferred: April 18, 2013
Trial Date: None set

NOBELBIZ, INC.

Plaintiff.

V.

FIVE9, INC.

Defendant.

1 **I. SUPPLEMENTAL STATEMENT REGARDING CO-PENDING LITIGATIONS**

2 Pursuant to the Court's instructions during the case management conference on April 6,
 3 2015, NobelBiz provides the following supplemental update regarding the *NobelBiz, Inc. v.*
 4 *Global Connect, L.L.C.*, 6:12-cv-00244-RWS (E.D. Tex.) and *NobelBiz, Inc. v. TCN, Inc.*, 6:12-
 5 cv-00247-RWS (E.D. Tex.) cases (collectively, the "Global Connect and TCN cases") currently
 6 pending before the Honorable Robert W. Schroeder III in the Eastern District of Texas. Shortly
 7 after filing the Joint Statement of Compliance and Statement by Plaintiff Regarding Co-Pending
 8 Litigations (Dkt. 131) with this Court on Friday, April 18, 2015, the court in the Global Connect
 9 and TCN cases issued an Order setting a Pretrial Conference for May 11, 2015. During the
 10 Pretrial Conference, the court will hear argument on all motions currently pending before the
 11 court, which include fully-briefed summary judgment motions, *Daubert* motions, motions to
 12 strike, and motions *in limine*. The Order also requires NobelBiz and the defendants in the Global
 13 Connect and TCN cases to meet and confer in advance of the conference to determine the
 14 parties' availability for a summer or fall trial date.

15 Anticipating a summer or fall trial date for the Global Connect and TCN cases in the
 16 Eastern District of Texas, NobelBiz, Inc., LiveVox, Inc., and Five9, Inc. (collectively, the
 17 "Parties") respectfully and jointly propose the below revised case management schedule for the
 18 above-captioned cases pending before this Court. Most notably, the proposed revised case
 19 management schedule extends the deadline for the close of fact discovery to January 15, 2016,
 20 the same day as the close of expert discovery. The Parties do not propose any changes to the
 21 trial date set by the Court or any dates dependent on the trial date.

22 **II. PROPOSED AMENDED SCHEDULE**

23 The Parties agree to and respectfully propose the following deadlines in this matter.

Event	Deadline
Compliance date for parties to schedule mediation and update Court regarding E.D. Tex. litigations	April 24, 2015
Production of Source Code and all technical documents (Patent L.R. 3-4)	August 10, 2015
Deadline to complete expert demonstration of defendants' accused systems	September 11, 2015

	Event	Deadline
1	Deadline to advise the Court of mediation	September 15, 2015
2	Deadline to amend infringement contentions	October 9, 2015
3	Deadline to seek leave of Court to amend pleadings	November 9, 2015
4	Deadline to amend invalidity contentions	November 13, 2015
5	Initial expert disclosures and reports due	December 22, 2015
6	Rebuttal expert disclosures and reports due	January 8, 2016
7	Deadline to complete fact and expert discovery	January 15, 2016
8	Deadline to file Dispositive motions, <i>Daubert</i> motions, and motions to strike	February 16, 2016
9	Deadline to oppose Dispositive motions, <i>Daubert</i> motions, and motions to strike	March 8, 2016
10	Deadline to reply in support of Dispositive motions, <i>Daubert</i> motions, and motions to strike	March 15, 2016
11	Hearing on Dispositive motions, <i>Daubert</i> motions, and motions to strike	April 12, 2016
12	Deadline to exchange proposed motions <i>in limine</i> (Court's Pretrial Instructions in Civil Cases ¶ 4.a)	May 6, 2016
13	Deadline to exchange exhibits and exhibit lists (Court's Pretrial Instructions in Civil Cases ¶ 6.a)	May 6, 2016
14	Deadline to meet and confer regarding Joint Pretrial Conference Statement (Court's Pretrial Instructions in Civil Cases ¶ 2)	May 13, 2016
15	Joint Pretrial Conference Statement due (Court's Pretrial Instructions in Civil Cases ¶ 2)	May 20, 2016
16	Motions <i>in limine</i> due (Court's Pretrial Instructions in Civil Cases ¶ 4.b)	May 20, 2016
17	Compliance date for parties to report on readiness for trial	May 20, 2016
18	Oppositions to motions <i>in limine</i> due (Court's Pretrial Instructions in Civil Cases ¶ 4.b)	May 25, 2016
19	Deadline for pretrial filings and submission of Joint Trial Readiness Binder and Motions <i>in Limine</i> Binder (Court's Pretrial Instructions in Civil Cases ¶¶ 3 and 4.c)	May 27, 2016
20	Final pretrial conference (Court's Pretrial Instructions in Civil Cases ¶ 1)	June 3, 2016
21	Deadline to submit three sets of trial exhibits (Court's Pretrial Instructions in Civil Cases ¶ 6.c)	June 17, 2016

Event	Deadline
Commencement of jury trial (Court's Pretrial Instructions in Civil Cases ¶ 1)	June 20, 2016

Should the Court have any questions, the Parties are available to discuss at the Court's convenience.

Respectfully submitted,

Dated: April 21, 2015

VENABLE LLP

/s/ Ralph A. Dengler

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William A. Hector
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LOCKE LORD LLP

/s/ Robert M. Harkins

Robert M. Harkins
Counsel for defendants LiveVox, Inc. and Five9, Inc.

Attestation Regarding Signatures

I, William A. Hector, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Date: April 21, 2015

VENABLE LLP

By: /s/ William A. Hector
William A. Hector

Attorneys for plaintiff NobelBiz, Inc.